

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE  
STATE OF CALIFORNIA



**FILED**

07-02-07

04:59 PM

Order Instituting Rulemaking to Implement the )  
Commission's Procurement Incentive )  
Framework and to Examine the Integration of )  
Greenhouse Gas Emission Standards into )  
Procurement Policies. )

R.06-04-009  
(Filed April 13, 2006)

**COMMENTS OF CALPINE CORPORATION  
ON JOINT CPUC AND CEC STAFF PROPOSAL FOR  
AN ELECTRICITY RETAIL PROVIDER GHG REPORTING PROTOCOL**

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Dated: July 2, 2007

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STATE OF CALIFORNIA**

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Pursuant to the June 12, 2007 ruling of Administrative Law Judges TerKeurst and Lakritz, Calpine Corporation (“Calpine”) respectfully submits its comments on the joint staff proposal of the California Public Utilities Commission (“Commission”) and California Energy Commission (“CEC”) for an electricity retail provider greenhouse gas (“GHG”) reporting protocol (“Staff Proposal”). Calpine appreciates the time, effort, and commitment that has gone into the Staff Proposal. Calpine has long supported measures to limit GHG emissions and believes that adopting reporting protocols that will foster the procurement of low emitting resources will be critical for California to achieve the long-term GHG reduction goals established in Assembly Bill (“AB”) 32.

The Staff Proposal would create a system for the tracking and reporting of GHG emissions associated with all retail sales of electricity within California and would apply equally to electricity generated both in-state and out-of-state. With respect to unspecified sources of power,<sup>1</sup> the Staff Proposal would assign, for purposes of compliance with the AB 32 emissions cap, “proxy” emission levels that are suppose to represent the likely emissions from resources

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<sup>1</sup> The Staff Proposal defines “unspecified sources” as electricity that cannot be matched to a particular power plant. Staff Proposal at 4.

based on the “type of purchase.” Specifically, the Staff Proposal would assign “default” emission factors for power purchased in the California Independent System Operator’s (“CAISO”) real-time market (900 lbs CO<sub>2</sub>/MWh), the CAISO’s integrated forward market (1,000 lbs CO<sub>2</sub>/MWh), the Northwest (419 lbs CO<sub>2</sub>/MWh), and the Southwest (1,075 lbs CO<sub>2</sub>/MWh).<sup>2</sup> These default factors would be determined on an ex ante basis and are based on estimated emissions from marginal resources in each of these markets. Calpine’s comments focus on this aspect of the Staff Proposal.

**I. THE PROPOSED DEFAULT EMISSION FACTORS ARE TOO LOW AND WILL UNDERMINE THE EMISSION REDUCTION GOALS ESTABLISHED IN AB 32**

AB 32 requires the California Air Resources Board (“CARB”) to adopt a statewide GHG emissions limit equivalent to the statewide GHG emissions levels in 1990 to be achieved by 2020. To do this, AB 32 requires CARB to develop reporting protocols that will “[a]ccount for greenhouse gas emissions from all electricity consumed in the state.”<sup>3</sup> In order to accurately “account” for GHG emissions, however, the identity of resources must be known. Thus, as a general matter, the procurement of power from unspecified sources is inconsistent with long-term GHG reduction goals because, by definition, the use of emission proxies does not permit actual emissions to be used for determining compliance with the emissions cap under AB 32.

For this very reason, the Commission excluded unspecified sources when it adopted an interim GHG emissions performance standard pursuant to Senate Bill (“SB”) 1368:

[W]e have difficulty reconciling the concept of imputed emissions rates with the requirements of SB 1368 since, by definition, such proxies do not reflect the actual emissions from the underlying resources. As a result, using imputed rates does not permit us to determine whether a commitment with an unspecified resource is consistent with the Commission’s goals or SB 1368 or simply

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<sup>2</sup> See Staff Proposal at 24.

<sup>3</sup> Health and Safety Code section 38530(b)(2).

exacerbates the problems the Commission and the Legislature are trying to address.<sup>4</sup>

Although specifying sources is the best way to ensure that the emissions limit adopted in AB 32 is met, Calpine recognizes that the use of some unspecified sources is a necessary component of California's current market structure and needed to ensure reliability over short periods of time. As a result, some form of proxy is likely needed for AB 32 reporting purposes. Given the inherent shortcomings with using emission proxies, however, it is critical that proxies be carefully set to ensure the goals of AB 32 are not compromised.

The default emissions factors that would be set by the Staff Proposal are too low and, as a result, would undermine the emission reduction goals established in AB 32. Specifically, the default emission standards would be set at levels that are lower than the emission factors for the Western Electricity Coordinating Council (1,107 lbs CO<sub>2</sub>/MWh)<sup>5</sup> and the emissions performance standard adopted by the Commission in Decision 07-01-039 (1,100 lbs CO<sub>2</sub>/MWh).<sup>6</sup> In other words, unspecified sources would be assigned an emissions proxy that is significantly below the emission factor the Commission found to be reflective of a baseload, natural gas combined cycle gas turbine.

In Decision 07-01-039, the Commission rejected the use of emission proxies for, among other reasons, allowing the use of unspecified resources encourages "gaming" which leads to "an *increasing* number of long-term commitments to high GHG-emitting resources."<sup>7</sup> While Decision 07-01-039 addressed a "gateway screen" for long-term commitments with baseload resources, the threat of "gaming" should be even more of a concern with respect to AB 32

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<sup>4</sup> Decision 07-01-039, mimeo at 136-137.

<sup>5</sup> Staff Proposal at 24.

<sup>6</sup> In adopting an emissions performance standard, the Commission acknowledged that Senate Bill 1368 directed it to adopt a standard that is reflective of a baseload, natural gas combined cycle gas turbine. Decision 07-01-039, mimeo at 234 (Findings of Fact 53).

<sup>7</sup> Decision 07-01-039, mimeo at 13 (emphasis in original).

compliance because AB 32 applies to GHG “emissions from *all* electricity consumed in the state,”<sup>8</sup> not just long-term baseload commitments.

Given the broad scope of AB 32, it is critical that emission proxies be set at levels that will *minimize* the use of unspecified sources. The default emission factors that would be adopted in the Staff Proposal, however, would encourage high emitting sources, such as coal fired generation, to market themselves as unspecified sources. For instance, if a coal-fired generator were able to sell power, on an unspecified basis, through a Northwest intertie (which has a default emissions factor of 419 lbs CO<sub>2</sub>/MWh under the Staff Proposal), up to 1,844 lbs CO<sub>2</sub>/MWh of emissions would essentially be unaccounted for – meaning that actual emissions would be 1,844 lbs CO<sub>2</sub>/MWh *higher* than would be recognized under the Staff Proposal’s accounting protocol.<sup>9</sup>

A reporting protocol under which actual emissions may be significantly greater than reported emissions is simply inconsistent with the goals of AB 32. Accordingly, the default emission factors that would be adopted in the Staff Proposal must be increased to remove any incentive for high emitting resources to market themselves as unspecified sources. Specifically, default emission factors should represent the highest emitting unit in the region. Setting default emission factors at such levels will encourage the use of specified resources, which in turn should increase the accuracy of reported emissions and better ensure that California meets the long-term GHG reduction goals established in AB 32.

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<sup>8</sup> Health and Safety Code section 38530(b)(2) (emphasis added).

<sup>9</sup> The Staff Proposal identifies a coal emissions factor range of 2,017 – 2,263 lbs CO<sub>2</sub>/MWh. (2,263 – 419 = 1,844). Staff Proposal at 24.

## **II. THE PROPOSED DEFAULT EMISSION FACTORS MAY ALTER FUTURE MARKET BEHAVIOR EXACERBATING CONCERNS ASSOCIATED WITH UNSPECIFIED SOURCES**

The Staff Proposal suggests that concerns over potential “gaming” (*i.e.*, a high emitting source marketing itself as an unspecified source with a lower default emissions factor) are overstated because historically California imports little off-peak power, making it more likely that retail service providers in the State will continue to import power from natural gas-fired generation in the Southwest.<sup>10</sup> Such a position ignores that, unless increased, the proposed default emission factors will likely increase the use of unspecified sources.

Because a source’s emission factor is a key determinate of the source’s relative value under an emissions cap system, any source with emissions above the proposed default emissions factor would likely market itself as an unspecified resource. This may include some natural gas-fired generation given that the proposed default emission factors may be below the emissions for some such sources. The net effect is that resources with very different emission profiles may be treated identically for reporting purposes.

Policies that could potentially increase procurement from high emitting sources are inconsistent with AB 32 and should be discouraged. Accordingly, the Staff Proposal should be revised to increase the default emission factors for unspecified sources to reflect the highest emitting unit in a region. Such a step will help remove any incentive for high emitting sources to

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<sup>10</sup> Staff Proposal at 36.

market themselves as unspecified sources and, as a result, better help the State achieve the long-term GHG reduction goals established in AB 32.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Judy Pau, certify:

I am employed in the City and County of San Francisco, California, am over eighteen years of age and am not a party to the within entitled cause. My business address is 505 Montgomery Street, Suite 800, San Francisco, California 94111.

On July 2, 2007, I caused the following to be served:

**COMMENTS OF CALPINE CORPORATION  
ON JOINT CPUC AND CEC STAFF PROPOSAL FOR  
AN ELECTRICITY RETAIL PROVIDER GHG REPORTING PROTOCOL**

via electronic mail to all parties on the service list R.06-04-009 who have provided the Commission with an electronic mail address and by First class mail on the parties listed as "Appearance" and "State Service" on the attached service list who have not provided an electronic mail address.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on the date above at San Francisco, California.

\_\_\_\_\_/s/ Judy Pau\_\_\_\_\_  
Judy Pau

cc: Commissioner Michael R. Peevey (via U.S. Mail and Email)  
ALJ Charlotte TerKeurst (via U.S. Mail and Email)  
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## Service Lists

**Proceeding: R0604009 - CPUC - PG&E, SDG&E,**  
**Filer: CPUC - PG&E, SDG&E, SOCALGAS, EDISON**  
**List Name: LIST**  
**Last changed: June 20, 2007**

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